

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

**ZURICH AMERICAN INSURANCE
COMPANY** as subrogee of Staff Line, LLC,

Plaintiff,

No. 2:20-cv-2413

v.

**TECHNICOLOR VIDEOCASSETTE
OF MICHIGAN, INC.,**

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441-1453, the Defendant, Technicolor Videocassette of Michigan, Inc., by and through counsel, files this Notice of Removal of the present case from the Shelby County Circuit Court, in Memphis, Tennessee, to the United States District Court for the Western District of Tennessee at Memphis, and avers as follows:

1. The Plaintiff initiated this action on April 28, 2020, by filing a Complaint in the Shelby County Circuit Court.¹

2. Plaintiff is an Illinois corporation with a principal place of business in Illinois. (Compl. at ¶ 1.)

3. The Defendant, Technicolor Videocassette of Michigan, Inc., received service of the Summons and Complaint on May 17, 2020. Plaintiff sent process via certified mail to Defendant on May 14, 2020.

¹ The Summons and Complaint are attached as Exhibit A, collectively.

4. This action is of a civil nature alleging subrogation of workers' compensation benefits paid to an employee of Plaintiff's subrogor.

5. Defendant Technicolor Videocassette of Michigan, Inc. is a Delaware corporation with its principal place of business in Camarillo, California. (Compl. at ¶ 2.)

6. The present lawsuit is removable from state court to this Court pursuant to 28 U.S.C. § 1332(a) because the suit involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000.00, excluding interest and costs.

7. The Defendant respectfully avers that time for removal has not expired under 28 U.S.C. § 1446(b). This Notice of Removal has been filed "within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

8. Venue is proper in this district because the state court where this action was commenced is within this Court's district, therefore this action is properly removable to this Court under 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(d), undersigned counsel certifies that a copy of this Notice of Removal will be served promptly on Plaintiff, through its counsel of record Michael A. Durr, and filed with the Clerk of the Shelby County Circuit Court in Memphis, Tennessee.

WHEREFORE, the above-captioned action, now pending in the Shelby County Circuit Court, is removed therefrom to this Honorable Court.

Respectfully submitted:

/s/ Shea Sisk Wellford
Shea Sisk Wellford (016947)
Christopher M. Myatt (024629)
MARTIN, TATE, MORROW & MARSTON, P.C.
International Place, Tower II
6410 Poplar Avenue, Suite 1000
Memphis, TN 38119-4839
(901) 522-9000
sheawellford@martintate.com
cmyatt@martintate.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following, by U.S. Mail, postage prepaid, on this the 12th day of June, 2020.

Michael A. Durr
Quist, Fitzpatrick & Jarrard PLLC
800 S. Gay St, Suite 2121
Knoxville, TN 37929

/s/ Shea Sisk Wellford
Shea Sisk Wellford